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March 21, 2020

Magistrate Judge Ramon E. Reyes, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East, Courtroom N2E
Brooklyn, NY 11201

By ECF

Re: SEMYON GRINBLAT, individually and on behalf of all others similarly situated v. CORONA DONUTS AND GAS LLC, RN 9401 REALTY LLC, JOHN DOE 1-X, persons yet unknown, Limited Liability Companies, Partnerships, Corporations 1-X, entities yet unknown
Case No.: 19-cv-7291-AMD-RER

Dear Magistrate Judge Reyes:

I represent the plaintiff in the above-captioned action. On March 21, 2020, the attorneys for the defendants filed the letter-motion [Doc. No. 14], in which they requested the Court to grant them an extension of time until May 11, 2020, to answer the plaintiff's complaint. I respectfully request the Court to deny their request. The defendants were properly served with the summonses and complaints, through the New York Secretary of State, on January 14, 2020. Under the Federal Rules of Civil Procedure, they were required to answer, or otherwise move, by February 4, 2020. Under *Laina v. United Cerebral Palsy of N.Y. City, Inc.*, 2012 U.S. Dist. LEXIS 1405, they were entitled to three extra days to plead, or otherwise respond, to the complaint. Consequently, the defendants were required to respond by February 7, 2020, but have failed to do so. Neither defendants, nor their attorneys, contacted me by that date. On February 11, 2020, I requested certificates of default on both defendants from the Clerk of Court, and they were issued on February 18, 2020. Instead of filing a motion for default judgment immediately after obtaining the certificates of default, I decided to wait for the defendants to answer, or to contact me. They did not. Consequently, I filed a Motion for Default Judgment against the Defendant, CORONA DONUTS AND GAS LLC, on March 7, 2020. A few days later, I was contacted by the attorneys for both defendants. They told me that they needed more time to respond to the complaint. I immediately agreed to voluntarily withdraw the motion for default judgment and to grant the defendant, CORONA DONUTS AND GAS LLC, until March 27, 2020, to answer the complaint.

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I also agreed to extend to the defendant, RN 9401 REALTY LLC, a courtesy extension of time until March 18, 2020. During a telephone discussion on March 18, 2020, I agreed to extend to the Defendant, RN 9401 REALTY LLC, one more week to answer the complaint, until March 24, 2020. Yesterday, the attorney for the latter defendant, Ms. Jacqueline DiCrescio, wrote to me that time to answer “needs to be extended until we are able to operate business as usual”, i.e. indefinitely. Yesterday, I also received a request from the attorney for CORONA DONUTS AND GAS LLC, Ms. Lisia L. Leon, to extend the time to answer for additional 45 days.

I respectfully request the Court to deny the defendants’ requests. Their demand to have three months to answer the complaint is unreasonable, especially so because under the Federal Rules of Civil Procedure the defendants are entitled to only three weeks. Their demand should be denied, because the defendants are seeking to unreasonably delay litigation and are using the COVID-19 outbreak as a pretext to do it. They had approximately six weeks to answer the complaint and failed to do that. The real reason for the delay is that the defendants want to neither remediate the numerous ADA violations, nor to compensate my client, nor to settle this case, nor to litigate it. Granting them an extension of time to answer would encourage them to delay the proceedings in this case.

I thank the Court for its time and attention to this matter.

Very truly yours,


Michael Grinblat, Esq.

CC: To all counsel of record via ECF.